

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

XUE BAO CHEN,

Plaintiff,

vs.

WARDEN NEVEN, et al.,

Defendants.

Case No. 2:12-cv-02163-APG-PAL

ORDER

Plaintiff, who is in the custody of the Henderson Detention Center, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 (Dkt. #13) and an application to proceed *in forma pauperis* (Dkt. #1). The court finds that plaintiff is unable to prepay the full filing fee in this matter, but plaintiff will need to pay the filing fee through monthly installments.

Plaintiff has submitted a motion for a Chinese interpreter (Dkt. #19). Plaintiff's documents show a sufficient command of English to proceed with the action. The court denies this request.

Plaintiff has submitted a motion of dismissal of civil rights case (Dkt. #20). Plaintiff actually appears to ask for injunctive relief against correctional officers at the Northern Nevada Correctional Center. Plaintiff was in custody at that prison when he commenced this action, but he has since been transferred to the Henderson Detention Center. The court denies the motion because the relief that he requests is moot.

Defendants have filed a motion to enlarge time to file answer or other responsive pleading (first request) (Dkt. #36). Finding good cause, the court grants this motion.

1 **IT IS THEREFORE ORDERED** that plaintiff's motion for a Chinese interpreter (#19) is
2 **DENIED**.

3 **IT IS FURTHER ORDERED** that plaintiff's motion of dismissal of civil rights case (#20),
4 which the court construes as a motion for injunctive relief, is **DENIED** as moot.

5 **IT IS FURTHER ORDERED** that defendants' motion to enlarge time to file answer or
6 other responsive pleading (first request) (#36) is **GRANTED**. The schedule for filing an answer or
7 other response is set forth below.

8 **IT IS FURTHER ORDERED** that:

9 1. Plaintiff's application to proceed *in forma pauperis* (Dkt. #1) is **GRANTED**. Plaintiff
10 shall not be required to pay an initial installment of the filing fee. If this action is dismissed, the full
11 filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

12 2. The movant herein is permitted to maintain this action to conclusion without the
13 necessity of prepayment of any additional fees or costs or the giving of security therefor. This order
14 granting leave to proceed *in forma pauperis* shall not extend to the issuance of subpoenas at
15 government expense.

16 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Henderson Detention Center shall pay to the
17 clerk of the United States District Court, District of Nevada, 20% of the preceding month's deposits
18 to plaintiff's account (inmate #659909), in the months that the account exceeds \$10.00, until the full
19 \$350.00 filing fee has been paid for this action. The clerk of the court shall send a copy of this
20 order to the finance division of the clerk's office. The clerk shall also send a copy of this order to
21 the attention of the Henderson Detention Center Accounting Supervisor, 18 E. Basic St.,
22 Henderson, NV 89015.

23 4. The Clerk of Court shall electronically serve a copy of this order, a copy of the court's
24 screening order (Dkt. #12) and a copy of plaintiff's complaint (Dkt. #13) on the Office of the
25 Attorney General of the State of Nevada, attention Kat Howe.

26 5. Subject to the findings of the screening order (Dkt. #12), within 21 days of the date of
27 entry of this order, the Attorney General's Office shall file a notice advising the court and plaintiff
28 of: (a) the names of the defendants for whom it accepts service; (b) the names of the defendants for

1 whom it does not accept service, and (c) the names of the defendants for whom it is filing last-
2 known-address information under seal. As to any of the named defendants for which the Attorney
3 General's Office cannot accept service, the Office shall file, under seal, the last known address(es)
4 of those defendant(s) for whom it has such information.

5 6. If service cannot be accepted for any of the named defendant(s), plaintiff shall file a
6 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a
7 full name and address for the defendant(s). For the defendant(s) as to which the Attorney General
8 has not provided last-known-address information, plaintiff shall provide the full name and address
9 for the defendant(s).

10 7. If the Attorney General accepts service of process for any named defendant(s), such
11 defendant(s) shall file and serve an answer or other response to the complaint within sixty (60) days
12 from the date of this order.

13 8. Henceforth, plaintiff shall serve upon defendant(s) or, if an appearance has been
14 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document
15 submitted for consideration by the court. Plaintiff shall include with the original paper submitted
16 for filing a certificate stating the date that a true and correct copy of the document was mailed to the
17 defendants or counsel for the defendants. If counsel has entered a notice of appearance, the plaintiff
18 shall direct service to the individual attorney named in the notice of appearance, at the address
19 stated therein. The court may disregard any paper received by a district judge or magistrate judge
20 that has not been filed with the Clerk, and any paper received by a district judge, magistrate judge,
21 or the Clerk that fails to include a certificate showing proper service.

22 Dated: March 4, 2014.

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25 JENNIFER A. DORSEY
26 United States District Judge
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